

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL NO. 3:23-cv-00738

THIS MATTER is before the Court on the United States of America's Motion for Default Judgment. (Doc. No. 7). For good cause shown, the Court will GRANT the Motion and enter this Default Judgment. The Court FINDS AS FOLLOWS:

BACKGROUND

On November 6, 2023, the United States filed a Complaint, (Doc. No. 1), against the defendant, forty-three firearms seized on or about May 24, 2022, during a drug trafficking investigation (“the Firearms”). The Complaint alleged that the Firearms constitute firearms used or intended to be used to facilitate the transportation, sale, receipt, possession, or concealment of controlled substances in violation of 21 U.S.C. § 881(a)(11), and are therefore subject to forfeiture.

From December 15, 2023, through January 13, 2024, pursuant to Federal Rules of Civil Procedure, Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, Rule G(4)(a), the Government provided Notice by Publication, (Doc. No. 4), of this action. Further, the Government mailed direct notice, (Doc. No. 3), of the Complaint to individuals with potential claims to the Firearms. Notice of the forfeiture of the Firearms has been properly published and directly provided, and the time for filing claims has expired.

LEGAL CONCLUSIONS

Fed. R. Civ. P. 55 (b)(2) provides for entry of the requested Default Judgment by the Court. Here, the United States has provided notice of forfeiture in accordance with the Federal Rules of Civil Procedure, Supplement Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, Rule G. Further, only two potential claimants, Donald Vansteen, who filed a claim for the Benelli Super Black Eagle III 12 Gauge Shotgun, and Debra Lowder, who filed a claim for the Colt Combat Commander .45 Caliber Pistol, have asserted interest in the Firearms and the time-period for filing claims has expired. Finally, the Clerk has issued an Entry of Default. Therefore, the requested Default Judgment is appropriate.

BASED ON THE FOREGOING FINDINGS, THE COURT CONCLUDES that the Government is entitled to a Judgment by Default against the Defendant Property.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. The Government's Motion for Default Judgment is hereby GRANTED, except as to Donald Vansteen and his purported interest in the Benelli Super Black Eagle III 12 Gauge Shotgun, and Debra Lowder and her purported interest in the Colt Combat Commander .45 Caliber Pistol, both of which interests will be adjudicated in this case.
2. Any and all right, title, and interest of all other persons in the world in or to the Firearms is hereby forfeited to the United States, and no other right, title, or interest shall exist therein.

SO ORDERED.

Signed: March 8, 2024



Robert J. Conrad, Jr.
United States District Judge
